

shine in that office because of her sound judgement, keen intellect, sharp wit, infectious charm, and powerful commitment to making this world a better place.

I congratulate Senator CLINTON on her new position and wish her the best of luck and success. These are troubled times and she will have a most difficult job in the years ahead. Speaking at her graduation at Wellesley College, HILLARY CLINTON declared that, "the challenge now is to practice politics as the art of making what appears to be impossible, possible."

I say go to it Secretary of State-designate CLINTON. If anyone can make "what appears to be impossible, possible," Secretary of State HILLARY RODHAM CLINTON can and will.

Mr. REID. Mr. President. I have known HILLARY CLINTON for many years, but for the past 8 years I have had the pleasure of working with her as a colleague in the U.S. Senate.

People on all points of the political spectrum agree that Senator CLINTON is one of the brightest, most highly accomplished U.S. Senators.

Born in the hometown of our President-elect—Chicago—HILLARY CLINTON graduated from Wellesley College, where she was the first student in the school's history to deliver her own commencement address—not a Governor, a U.S. Senator, dean, or the university president.

She then attended Yale Law School, where she met her future husband and our future President, Bill Clinton.

After law school, she worked for the Children's Defense Fund and served as a member of the Watergate inquiry staff in the House of Representatives.

When the Clintons moved to Arkansas, HILLARY became a successful attorney in private practice and served as the State's First Lady.

We all know that she was a remarkable First Lady, leading the way on health care reform, helping create the State Children's Health Insurance Program, as well as the Violence Against Women Act.

We also know that she was not just a leader for domestic policy, but also became an admired and effective diplomat throughout the world, especially in her call for human rights.

When Senator CLINTON came to the Senate 8 years ago, some expected her to have trouble fitting in. Those concerns quickly disappeared—she was a natural. She has proven in her time here to be exceptionally adept at the give-and-take of the legislative process.

As a result, in just 8 years, she has left an indelible mark, especially through her seats on the Health, Education, Labor and Pensions Committee, the Environment and Public Works Committee, the Special Committee on Aging and the Armed Services Committee.

As with Senator BIDEN, the departure of Senator CLINTON is bittersweet. She brought a wealth of knowledge, skill

and wisdom here, and she will be sorely missed.

But after the last 8 years—with so much work ahead to repair our country's once-lofty stature in the world, I can think of no one better suited for the challenges ahead than the Senator from New York, HILLARY CLINTON, our next Secretary of State.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

LILLY LEDBETTER ACT

Mr. CORNYN. Mr. President, I, too, would like to congratulate Senator CLINTON on her nomination to be Secretary of State; and, alas, there is other work left to do in the Senate, as the Senator from Maryland alluded to, the Lilly Ledbetter Act, for which we will be voting on cloture in a minute. So I have a few words I would like to add specifically on that topic.

We will be voting for the so-called Lilly Ledbetter Act, and I think it is important to reflect a little bit on what that bill would actually do because, honestly, I think it has been characterized as a bill that will protect women's rights, which as a father of two daughters I am all in favor of not just cracking the glass ceiling but breaking it altogether.

But, actually, this bill, has a much broader impact and perhaps unintended by those who believe it is only about protecting women's rights. Indeed, what the Lilly Ledbetter Act would do is eliminate the statute of limitations. That sounds like an arcane topic for lawyers that only lawyers could love, but basically what it would do in the case of Ms. Ledbetter—who had waited almost two decades before she raised her discrimination claim, long after the principal witness who could have testified in opposition to that claim had died—indeed, the purpose of the statute of limitations, as the lawyers in this body well know, is to be fair both to the plaintiff who brings the claim and to the defendant who has to defend against that claim, to make sure the documents and the memories and, indeed, the very existence of those who might be able to give testimony can be preserved so the jury can make a good decision. But, indeed, if you wait 20 years before you assert your rights, and after the principal witness who could testify in opposition to your claim has died, that is not exactly fair either.

So, Senator HUTCHISON, my distinguished senior Senator from Texas, will have an alternative which I hope will be offered. I expect it will be offered as an alternative and substitute, which I believe is fair to both those who bring a claim of discrimination and those who have to defend against it.

Indeed, I mentioned a moment ago I am the father of two daughters, now 27 and 26. Many small businesses that are created in America today are headed up by women. Indeed, we need to make

sure those small businesses have some certainty, have some rules they can rely on in terms of knowing when they are likely going to be sued.

I think the Ledbetter Act could more appropriately be called a trial lawyer bailout because, of course, it is premised on the idea that one can slumber on their rights and never have to assert them and, indeed, fight an uneven fight because those who have to defend against them can no longer defend against them because the witnesses are no longer available.

Indeed, at a time when this country is in a recession, I think it is appropriate to point out that no country has ever sued its way out of a recession. Yet the bill that comes to the floor on which we are called upon to vote—the very second bill that is presented to this Senate in the midst of this economic crisis—is one that would effectively, as I said, eliminate the statute of limitations in employment litigation so trial lawyers can bring multimillion-dollar lawsuits over decades-old workplace disputes.

There are many good policy reasons, as I mentioned, why it is important to have those statutes of limitations, but it is particularly true in employment cases where a person's subjective intent can be the decisive issue that the factfinder has to decide, where memories of the past can be colored by decades of subsequent workplace experience.

Another important policy behind the statute of limitations is called repose. That is a fancy word that represents the idea that people should be allowed to move on with their lives without the constant fear of being sued for something that happened 20 years previously.

Again, during times of economic uncertainty, the Ledbetter bill would create not more certainty but more uncertainty. As I suggested earlier, small businesses would suddenly be exposed to new liability for acts that may have occurred years or decades ago, even if those acts occurred under a previous ownership before the current management was even in place.

There will be no way for small businesses and large businesses alike to quantify this risk because there is no way to know which of the employees may have had a secret grievance they have been harboring for many years just waiting for the opportunity to present the claim at a time when it cannot be adequately defended.

Worst yet, this bill would actually encourage plaintiffs and their lawyers to strategically lie in wait, delaying their employment lawsuits for years while damages accumulate.

Now, this does not help anybody except for perhaps the lawyers and the clients who can take advantage of this one-sided equation. Why sue promptly and limit your damages to a few months of back wages when you can wait 5 years and sue for 5 years of back wages? This can be especially rewarding to a plaintiff who strategically sues

when you consider that during that 5 years, the plaintiff can diligently be preparing a lawsuit while the defendant is ignorant about the very grievance itself, perhaps, and memories and records fade.

So I think it is important, as we go into this bill, that it be characterized as the Trojan horse that it is. This is just the beginning. If you eliminate the statute of limitations in employment discrimination claims, why not eliminate the statute of limitations in other claims: medical malpractice, any other business disputes, and the like? It is just not fair, and it is not right. We should not allow this bill to be represented as a blow for women's equality and women's rights because it simply is much broader and has much more of a broader implication than that.

I am convinced this bill is actually a solution in search of a problem because it is worth noting that in fiscal year 2007, a total of 82,000-plus people timely filed complaints of employment discrimination with the EEOC. It is important to ask what prevented Ms. Ledbetter from doing exactly the same thing, from filing her complaint at the time she knew that perhaps she had a grievance that could be presented to the employer.

So I thank you, Mr. President, for the opportunity to speak briefly on the bill. Assuming cloture is adopted, I hope we will be taking up Senator HUTCHISON's alternative, which I think strikes the fair balance for which I would hope we would all strive, protecting the rights of both those who are victims of discrimination and the companies that have to defend against those claims.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DESIGNATING CERTAIN LAND AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall resume consideration of S. 22, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Pending:

Reid amendment No. 15, to change the enactment date.

Reid amendment No. 16 (to Reid amendment No. 15), of a perfecting nature.

Motion to commit the bill to the Committee on Energy and Natural Resources, with instructions to report back forthwith,

with Reid amendment No. 17, to change the enactment date.

Reid amendment No. 18 (to the instructions of the motion to commit), of a perfecting nature.

Reid amendment No. 19 (to Reid amendment No. 18), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order—the majority leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, there shall be 10 minutes of debate equally divided and controlled between the Senator from New Mexico, Mr. BINGAMAN, and the Senator from Oklahoma, Mr. COBURN, or their designees.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, as I understand it, we now have 10 minutes equally divided to complete debate on S. 22, and then there will be a vote on passage. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BINGAMAN. Mr. President, in just a few minutes, the Senate will vote on S. 22, the Omnibus Public Land Management Act. The vote will culminate years of work on more than 160 bills that are included in this package and represents a major achievement for the protection of our Nation's natural, cultural, and historic resources. Taken collectively, I believe the package represents the most significant conservation legislation passed by the Senate in many years.

In addition, it will finally resolve three very important, very complex water rights settlements in three different States ending, literally, decades of litigation and controversy.

AMENDMENTS NOS. 23 AND 24, EN BLOC

Before concluding, I wish to take care of a few administrative matters. The unanimous consent agreement for the bill today allows for the adoption of managers' amendments if they have been cleared by the managers and leaders on both sides. We have two such amendments which are at the desk. I understand they have been cleared by all my colleagues. These amendments make a number of technical, clerical, and clarifying corrections.

At this time I ask unanimous consent to call up those two amendments and have them considered and adopted en bloc, as provided for in the unanimous consent agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the pending amendments are withdrawn.

The clerk will report the managers' amendments en bloc.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Ms. MURKOWSKI, proposes amendments en bloc numbered 23 and 24.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 23

On page 976, strike lines 8 through 25.
On page 977, line 1, strike "(6)" and insert "(5)".

On page 977, line 3, insert "and" after "interactions".

On page 977, line 4, strike "(7)" and insert "(6)".

On page 977, line 5, strike "(6)" and insert "(5)".

On page 977, line 8, strike "scales;" and insert "scales".

On page 977, strike lines 9 through 17.

On page 1275, strike lines 3 through 6.

AMENDMENT NO. 24

Beginning on page 305, strike line 9 and all that follows through page 349, line 21.

On page 526, line 2, strike "2" and insert "5".

On page 526, line 7, strike "5" and insert "2".

On page 974, line 19, insert "the Secretary of the Army, acting through" before "the Chief".

On page 1188, line 19, strike "or" and insert "of".

Beginning on page 1271, strike line 3 and all that follows through page 1273, line 22, and insert the following:

Section 107(a)

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 23 and 24) were agreed to.

COLORADO RIVER BASIN

Mr. BINGAMAN. Madam President, the Senate is now considering the Omnibus Public Land Management Act of 2009, S. 22, a bill that contains a number of important water resource initiatives. Given the ongoing need to work closely with the states on water resource issues, I believe it important as chairman of the Energy and Natural Resources Committee for myself, and the new ranking member of the Committee, to acknowledge the hard work of representatives from the Colorado River Basin States of New Mexico, Colorado, Utah, Wyoming, Arizona, Nevada, and California, in reaching agreement regarding certain provisions in title X, subtitle B of S. 22, which contains the Northwestern New Mexico Rural Water Projects Act, hereafter referred to as the "Act".

On August 27, 2008, the Governors' representatives on Colorado River Operations sent a letter to me and Senator DOMENICI, then the ranking member of the committee, requesting certain modifications to the Northwestern New Mexico Rural Water Projects Act. These modifications, which were subsequently incorporated, reflect the joint